

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201903597	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/26/2019 8:30 PM, NA, 10/___/2018	Location of Incident: Outside of 1310 Sheridan Avenue; Inside the 44th Precinct stationhouse; 200 Marcy Place	Precinct: 44	18 Mo. SOL 10/26/2020	EO SOL 6/12/2021	
Date/Time CV Reported Mon, 04/29/2019 9:13 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/29/2019 9:13 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Wilfredo Benitez	5619	947459	044 PCT
2. An officer			
3. POF Jamie Truglio	17535	959786	044 PCT
4. POM Safayath Jamil	13348	960722	044 PCT
5. POM James Ferrufino	06552	960538	044 PCT
6. SGT Timothy Burke	03879	950130	044 PCT
7. POM Michael Sambrato	06414	961232	044 PCT
8. POM Jonathan Sordellini	12339	962815	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Roosevelt Monestime	11216	960959	044 PCT
2. POM Scott Ferguson	22891	957576	044 PCT
3. POM Philip Heckett	02734	966615	044 PCT
4. POM Angel Henriquez	20438	958689	044 PCT
5. POM Kevin Leonard	06998	963608	044 PCT
6. POM Richard Luna	26201	964132	044 PCT
7. POM Matthew Mancuso	25663	962569	044 PCT
8. POM Kevin Ramirez	21323	959915	044 PCT
9. POM Joseph Saladino	08982	966324	044 PCT
10. POM Andrew Sokolohorsky	07254	963763	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Wilfredo Benitez	Abuse: On an unknown date in October 2018, at 200 Marcy Place in the Bronx, Detective Wilfredo Benitez stopped the vehicle in which § 87(2)(b) was an occupant.	
B.DTS Wilfredo Benitez	Abuse: On an unknown date in October 2018, at 200 Marcy Place in the Bronx, Detective Wilfredo Benitez searched the vehicle in which § 87(2)(b) was an occupant.	
C.DTS Wilfredo Benitez	Abuse: On an unknown date in October 2018, at the 44th Precinct stationhouse, Detective Wilfredo Benitez strip-searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.POF Jamie Truglio	Abuse: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Jamie Truglio seized § 87(2)(b)'s property.	
E.POM Safayath Jamil	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Safayath Jamil used physical force against § 87(2)(b)	
F.POM James Ferrufino	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used physical force against § 87(2)(b)	
G.POM Michael Sambrato	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Michael Sambrato used physical force against § 87(2)(b)	
H.POM James Ferrufino	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used a taser on § 87(2)(b)	
I.POM James Ferrufino	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino spoke discourteously to § 87(2)(b)	
J.POM James Ferrufino	Off. Language: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino made remarks to § 87(2)(b) based upon race.	
K.POM Safayath Jamil	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Safayath Jamil spoke discourteously to § 87(2)(b)	
L.POM Michael Sambrato	Discourtesy: On April 26, 2019, at 1320 Sheridan Avenue in the Bronx, Police Officer Michael Sambrato spoke discourteously to § 87(2)(b)	
M. An officer	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)	
N.POF Jamie Truglio	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Jamie Truglio struck § 87(2)(b) with an asp.	
O.SGT Timothy Burke	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Sergeant Timothy Burke used physical force against § 87(2)(b)	
P.POM James Ferrufino	Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used physical force against § 87(2)(b)	
Q.POM Jonathan Sordellini	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Jonathan Sordellini spoke discourteously to § 87(2)(b)	
R. An officer	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)	
S. An officer	Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)	
T.POM James Ferrufino	Discourtesy: On April 26, 2019, at the 44th Precinct stationhouse, Police Officer James Ferrufino spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

### Case Summary

On April 29, 2019, § 87(2)(b) filed this complaint over the phone with the CCRB on behalf of himself and his friend § 87(2)(b).

On June 4, 2019, both § 87(2)(b) and § 87(2)(b) chose to close this case pending litigation of their criminal court cases stemming from the incident. However, on November 12, 2019, ADA Thomas Montella of the Bronx District Attorney's Office of Public Integrity called the investigator and stated that he observed an officer using racial slurs against § 87(2)(b) in the body worn camera (BWC) footage of the incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The allegations were investigated based on BWC footage with no sworn statements from § 87(2)(b) or § 87(2)(b).

On an unknown date in October 2018, in front of 200 Marcy Place in the Bronx, Det. Wilfredo Benitez of the 44<sup>th</sup> Precinct allegedly stopped § 87(2)(b)'s vehicle and searched it (**Allegations A and B, Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was arrested and taken to the 44<sup>th</sup> Precinct stationhouse, where Det. Benitez allegedly strip-searched him (**Allegation C, Abuse of Authority:** § 87(2)(g)). The statute of limitations on these allegations expired while the case was closed pending litigation § 87(2)(g).

§ 87(2)(b)

On April 26, 2019, at approximately 8:30 PM, § 87(2)(b) and § 87(2)(b) were waiting for an Uber in front of 1310 Sheridan Avenue in the Bronx when officers arrived at the location and began arresting them for trespassing. § 87(2)(b) reported in his telephone statement that officers used physical force and a taser against § 87(2)(b).

The CCRB obtained BWC footage from the following officers, all of whom were assigned to the 44<sup>th</sup> Precinct: Det. Benitez, PO Scott Ferguson, PO James Ferrufino, PO Philip Heckett, PO Angel Henriquez, PO Safayeth Jamil, PO Kevin Leonard, PO Richard Luna, PO Matthew Mancuso, PO Roosevelt Monestime, PO Kevin Ramirez, PO Joseph Saladino, PO Michael Sambrato, PO Andrew Sokolohorsky, PO Jonathan Sordellini, and PO Jamie Truglio [BR 07-30]. The CCRB also obtained cell phone video footage from unidentified witnesses [BR 01-03]. Field Team Investigators obtained the videos from a resident of the community, who had the videos forwarded to him by witnesses whose names he did not know.

Based on § 87(2)(b)'s brief telephone statement, BWC and witness video footage, and NYPD documents regarding the incident, the investigation pled the following allegations: On the incident date, Det. Benitez, PO Ferrufino, PO Sambrato, PO Jamil, and PO Truglio responded to 1310 Sheridan to respond to a resident's call to NCO Det. Benitez about a large group of youths loitering in the hallway of the building. Upon arrival, the officers encountered § 87(2)(b) and several other individuals who were leaving the building. The officers attempted to stop all of the individuals but were only able to stop § 87(2)(b) and § 87(2)(b). PO Truglio allegedly approached § 87(2)(b) and said, "Let me see your phone," then placed the cell phone in her own pocket after § 87(2)(b) gave it to her (**Allegation D, Abuse of Authority:** § 87(2)(g)).

§ 87(2)(g)). § 87(2)(b) attempted to flee, and in response PO Ferrufino, PO Jamil, and PO Sambrato grappled with § 87(2)(b) struck him on various parts of his body, and took him to the ground (**Allegations E-G, Force:** § 87(2)(g)). PO Ferrufino deployed his taser on § 87(2)(b) twice throughout the incident (**Allegation H, Force:** § 87(2)(g)).

In his BWC footage, PO Ferrufino is heard telling § 87(2)(b) “Shut the fuck up, nigga,” and, less than one minute later, “Don’t fucking play, nigga,” during the physical struggle (**Allegation I, Discourtesy: Unsubstantiated; Allegation J, Offensive Language:** § 87(2)(g)). PO Jamil and PO Sambrato are also heard on BWC telling § 87(2)(b) “Give up your fucking hands,” several times throughout the struggle (**Allegations K and L, Discourtesy:** § 87(2)(g)). An unidentified officer is also heard on BWC calling § 87(2)(b) a “little shit,” and telling him to “stop fucking fighting,” (**Allegation M, Discourtesy:** § 87(2)(g)). PO Truglio also assisted in attempting to apprehend § 87(2)(b) and used a baton on his legs (**Allegation N, Force:** § 87(2)(g)). Other officers arrived on scene to assist, including Sgt. Burke, who punched § 87(2)(b) in the face (**Allegation O, Force:** § 87(2)(g)). PO Ferrufino also punched § 87(2)(b) in the face (**Allegation P, Force:** § 87(2)(g)). An unidentified officer handcuffed § 87(2)(b) and PO Sordellini placed § 87(2)(b) in a police vehicle for transport to the 44<sup>th</sup> Precinct stationhouse. § 87(2)(b) proceeded to yell while being placed in the vehicle, to which PO Sordellini told § 87(2)(b) to “shut the fuck up,” and an unidentified officer also told § 87(2)(b) to “shut the fuck up,” (**Allegation Q, Discourtesy:** § 87(2)(g); **Allegation R, Discourtesy:** § 87(2)(g)). An unidentified officer is also heard saying, “Let’s get these fucking assholes out of here,” in reference to § 87(2)(b) and § 87(2)(b) within hearing range of § 87(2)(b) (**Allegation S, Discourtesy:** § 87(2)(g)).

At the 44<sup>th</sup> Precinct stationhouse, § 87(2)(b) who was also arrested, requested medical attention but was unable to provide a reason for needing it. In response, PO Ferrufino said to § 87(2)(b) “You can’t even fucking think of one,” and “Look at you, all fucking shivering and scared,” (**Allegation T, Discourtesy:** § 87(2)(g)). § 87(4-b), § 87(2)(g)

§ 87(2)(g)  
the CCRB investigated only acts of potential clear misconduct which were captured on video. The investigation interviewed Sgt. Burke, PO Ferrufino, and PO Sordellini regarding all allegations § 87(2)(g) the investigation addressed only Allegations I, J, K, L, O, P, Q, R, and S. § 87(2)(g)

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On an unknown date in October 2018, at 200 Marcy Place in the Bronx, Detective Wilfredo Benitez stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (B) Abuse of Authority: On an unknown date in October 2018, at 200 Marcy Place in the Bronx, Detective Wilfredo Benitez searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (C) Abuse of Authority: On an unknown date in October 2018, at the 44th**

**Precinct stationhouse, Detective Wilfredo Benitez strip-searched § 87(2)(b)**

The statute of limitations on Allegations A, B, and C expired in March 2020. § 87(2)(g)

**Allegation (D) Abuse of Authority: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Jamie Truglio seized § 87(2)(b)'s property.**

§ 87(2)(b) stated in a brief telephone statement that a female officer approached him before he was handcuffed and said, "Let me see your phone," [BR 04]. Given that PO Truglio was the only female officer on scene and that BWC footage shows her interacting with § 87(2)(b), this allegation is being pleaded against PO Truglio. § 87(2)(b) provided his cell phone, and PO allegedly placed the cell phone in her own pocket.

§ 87(2)(g)

**Allegation (E) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Safayath Jamil used physical force against § 87(2)(b)**

**Allegation (F) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used physical force against § 87(2)(b)**

**Allegation (G) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Michael Sambrato used physical force against § 87(2)(b)**

**Allegation (H) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used a taser on § 87(2)(b)**

§ 87(2)(b) provided no telephone statements or sworn testimony regarding the force used against him during this incident. PO Ferrufino, PO Sambrato, PO Jamil, PO Truglio, and Det. Benitez's BWC footage capture officers using force against § 87(2)(b) but it is unclear precisely what actions are taken by all parties at any given time due to poor lighting, fast and blurry movement, and individuals moving in and out of the frame [BR 07, 09, 16, 26, 29]. Similarly, cell phone video provided by unidentified witnesses shows officers on top of § 87(2)(b) while § 87(2)(b) appears to attempt to move away from them, but individual actions and their sequence are unclear [BR 01-03]. As previously noted, § 87(2)(b) did not respond to the CCRB's subsequent attempts to contact him, and § 87(2)(b) was uncooperative in providing sworn testimony. § 87(2)(g)

**Allegation (I) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino spoke discourteously to § 87(2)(b)**

**Allegation (J) Offensive Language: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino made remarks to § 87(2)(b) based upon race.**

**Allegation (K) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Safayath Jamil spoke discourteously to § 87(2)(b)**

**Allegation (L) Discourtesy: On April 26, 2019, at 1320 Sheridan Avenue in the Bronx, Police Officer Michael Sambrato spoke discourteously to § 87(2)(b)**  
**Allegation (M) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)**

ADA Montella contacted the investigator and reported that he had watched PO Ferrufino's BWC footage and heard PO Ferrufino using racial slurs against § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Ferrufino's BWC footage shows when he approaches the building and § 87(2)(b) steps around him before § 87(2)(b) appears to begin running. PO Ferrufino grabs the back of § 87(2)(b)'s vest, and the two struggle briefly, although it is unclear exactly what happens due to the close angle and constant movement in the video. § 87(2)(b) appears to attempt to walk away while PO Ferrufino continues to hold onto § 87(2)(b)'s vest. PO Ferrufino pushes § 87(2)(b) against the wall and is heard saying, "Shut the fuck up, nigga," although the statement is made quietly (IA 47, at 33 seconds) [BR 09]. Less than one minute later, § 87(2)(b) is seen on the ground, and PO Ferrufino is heard saying, "Don't fucking play, nigga," or a similar statement (IA 47, at 1:12 minutes). At the time that PO Ferrufino makes these statements, he appears to be struggling with § 87(2)(b) alone against a wall of the building before other officers begin to assist him in taking § 87(2)(b) to the ground and grappling with him on the ground. Due to the dynamic movement of the video, the precise actions taken by § 87(2)(b) and PO Ferrufino are unclear.

PO Ferrufino denied using the word "nigga" towards § 87(2)(b) and stated that he does not use such language [BR 34]. Upon viewing his BWC footage, PO Ferrufino stated that the audio was too muffled to make out individual words and denied using the alleged discourteous or offensive language.

PO Sambrato's BWC footage shows him approaching the building with PO Ferrufino as § 87(2)(b) and the rest of his group are exiting the building [BR 26]. PO Sambrato appears to walk ahead of PO Ferrufino, and when PO Sambrato turns around, PO Ferrufino and § 87(2)(b) are already engaged in a physical altercation against the wall of the building. PO Sambrato when intervenes and assists PO Ferrufino. The actions leading up to the interaction are not captured.

PO Jamil's BWC footage shows him approaching the building after PO Ferrufino and PO Sambrato and appears to show the beginning of the interaction between § 87(2)(b) and PO Ferrufino [BR 16, from 0 to 22 seconds]. However, due to the dynamic movement of the video and the fact that PO Jamil appears to go across the street momentarily, it is difficult to distinguish what specific actions PO Ferrufino and § 87(2)(b) take before PO Jamil and PO Sambrato intervene.

Cell phone video provided by unidentified witnesses shows PO Ferrufino, PO Sambrato, PO Jamil, and PO Truglio on top of § 87(2)(b) while § 87(2)(b) appears to attempt to move away from them, but individual actions and their sequence are unclear [BR 01-03]. However, witness video does not show the moments in which PO Ferrufino struggles alone before other officers intervene.

NYPD Patrol Guide Procedure 200-02 notes that officers must respect the dignity of each individual and render services with courtesy, professionalism, and respect [BR 40].

NYPD Disciplinary case #2017-17276 notes that language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent confrontation [BR 45].

NYPD Patrol Guide Procedure 203-10 prohibits officers from making discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability [BR 41].

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (N) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer Jamie Truglio struck § 87(2)(b) with an asp.**

**Allegation (O) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Sergeant Timothy Burke used physical force against § 87(2)(b)**

**Allegation (P) Force: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, Police Officer James Ferrufino used physical force against § 87(2)(b)**

§ 87(2)(g)

The Investigating Supervisor's Assessment Report (ISAR) prepared by Captain Joseph Tompkins, who was assigned to the 44<sup>th</sup> Precinct at the time but now works for the 48<sup>th</sup> Precinct,



notes that Sgt. Burke issued a hand strike to § 87(2)(b) during the struggle [BR 06].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sgt. Burke testified that he assisted officers who were attempting to apprehend § 87(2)(b) [BR 31]. The officers were kneeling beside § 87(2)(b) who was face-up on the ground, kicking and screaming. The officers were actively trying to get § 87(2)(b)'s hands behind his back. To Sgt. Burke, it seemed as though § 87(2)(b) was trying to kick at the officers. § 87(2)(b) was also pushing and shoving the officers with his hands and was twisting, flailing, and going rigid by locking his arms up. To assist the officers in handcuffing § 87(2)(b) Sgt. Burke knelt on the ground and struck § 87(2)(b)'s face with a closed fist. Sgt. Burke did not recall which part or which side of § 87(2)(b)'s face he struck. Sgt. Burke struck § 87(2)(b) to get him to stop resisting and put his hands behind his back. Sgt. Burke believed that he told § 87(2)(b) to stop resisting before striking him but did not specifically recall. Sgt. Burke's BWC was not activated during this incident and the strike was not captured on any other officers BWC.

NYPD Patrol Guide Procedure 221-01 takes the following factors into consideration when determining whether the use of force is reasonable: nature and severity of the crime; actions taken by the subject; duration of the action; immediate of the perceived threat or harm to the subject, MOS, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to MOS; size, age, and condition of the subject in comparison to MOS; subject's violent history, if known; presence of hostile crowd or agitators; and whether the subject is apparently under the influence of a stimulant or narcotic affecting pain tolerance or increasing the likelihood of violence [BR 42]. Patrol Guide Procedure 221-02 instructs officers to apply no more force than is necessary to gain control of a subject [BR 42]. Patrol Guide Procedure 221-03 regarding reporting of use of force and injuries notes that hand strikes are a level one use of force [BR 42].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation (Q) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx,**

**Police Officer Jonathan Sordellini spoke discourteously to § 87(2)(b)**

**Allegation (R) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an**

**officer spoke discourteously to § 87(2)(b)**

**Allegation (S) Discourtesy: On April 26, 2019, at 1310 Sheridan Avenue in the Bronx, an**

**officer spoke discourteously to § 87(2)(b)**

PO Sordellini's BWC footage shows him assisting two other unidentified officers attempting to place § 87(2)(b) in a police vehicle [BR 28]. Although it takes nearly 30 seconds to get § 87(2)(b) into the vehicle, it is unclear what is causing the delay due to the poor lighting. PO Sordellini is heard saying to § 87(2)(b) "Shut the fuck up. Get in the car," (IA 66, at 48 seconds).

§ 87(2)(b) continues to speak, and PO Sordellini and another unidentified male officer tell him to "shut up" several times. The unidentified officer yells, "Shut the fuck up, don't you understand?" (IA 66, at 58 seconds). PO Sordellini's BWC footage also shows § 87(2)(b) briefly exiting the police vehicle after having already been placed inside (IA 55, at 50 seconds) [BR 28].

PO Sordellini testified that § 87(2)(b) did not want to get into the vehicle, but PO Sordellini did not recall if he tried to run away from the officers or back away from the vehicle [BR 32]. PO Sordellini believed that § 87(2)(b) continued to scream and call for other individuals in order to cause a scene and get more people there to see what was going on. He did not know who § 87(2)(b) was calling for or what he was asking them to do. PO Sordellini told him to "shut the fuck up and get in the car." PO Sordellini stated that he did not know why he had used that language, but that it was what had come into his mind in the heat of the moment, in a situation in which officers had been injured. Ultimately, § 87(2)(b) got into the police vehicle and but kept yelling. PO Sordellini added after reviewing his footage that § 87(2)(b) had attempted to get out of the police vehicle while officers tried to place him in the vehicle. PO Sordellini was unable to identify the other officer who also told § 87(2)(b) to "shut the fuck up."

PO Ferrufino and Sgt. Burke both testified after viewing PO Sordellini's BWC footage that they were unable to identify the second officer who told § 87(2)(b) to "shut the fuck up" while placing him in a police vehicle [BR 31, 34].

In Det. Benitez's, (IA 45, at 3:00 minutes) PO Ramirez's (IA 61, at 45 seconds), and PO Truglio's (IA 67, at 21:35 minutes) BWC footage, Sgt. Burke is seen standing in front of the building and asking if any officers are injured [BR 07, 23, 29]. It then appears that Sgt. Burke is heard saying, "Alright, let's get these fucking assholes out of here," seemingly referring to § 87(2)(b) and § 87(2)(b). Det. Benitez's BWC shows that § 87(2)(b) is standing less than 10 feet away when the statement is made.

Sgt. Burke testified after viewing the footage that although he could hear the statement being made, he did not recall saying, "Let's get these fucking assholes out of here," and was unable to confirm whether it was his voice making the statement in the video [BR 31]. PO Ferrufino and PO Sordellini both testified that they were unable to confirm whether the statement was made by Sgt. Burke [BR 32, 34].

NYPD Patrol Guide Procedure 200-02 notes that officers must respect the dignity of each individual and render services with courtesy, professionalism, and respect [BR 40].

NYPD Disciplinary case #2017-17276 notes that language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent confrontation [BR 45].

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (T) Discourtesy: On April 26, 2019, at the 44th Precinct stationhouse, Police Officer James Ferrufino spoke discourteously to § 87(2)(b)**

PO Ferrufino's BWC footage showed that § 87(2)(b) and the officers arriving at the 44<sup>th</sup> Precinct stationhouse [BR 12]. PO Ferrufino is heard speaking to someone, but it is unclear who he is speaking to when he says, "Yo, you can't even fucking think of one," (IA 50, at 3:26 minutes). PO Ferrufino is also heard saying, "Look at you, all fucking shivering and scared," (IA 50, at 3:36 minutes). PO Ferrufino is visible in PO Jamil's (IA 55, at 6:16 minutes) and PO Henriquez's (IA 53, at 4:02 minutes) BWC videos, in which he is seen making these statements to § 87(2)(b) who asks to go to the hospital but is unable to provide a reason for needing to do so [BR 15, 17].

PO Ferrufino initially did not recall making these statements but acknowledged doing so after being shown PO Jamil and PO Henriquez's BWC footage [BR 34]. PO Ferrufino was unable to provide any reasoning for the language that he used when speaking to § 87(2)(b) at the stationhouse.

NYPD Patrol Guide Procedure 200-02 notes that officers must respect the dignity of each individual and render services with courtesy, professionalism, and respect [BR 40].

NYPD Disciplinary case #2017-17276 notes that language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent confrontation [BR 45].

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the second CCRB complaint to § 87(2)(b) has been a party [BR 36].
  - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 37].
- Det. Benitez has been a member of service for 12 years. He has been a subject in 15 other CCRB cases with 34 allegations, one of which was substantiated.
  - Case 201808544 involved a substantiated seizure of property allegation. The Board recommended command level instructions, which the NYPD implemented.
- PO Truglio has been a member of service for five years. She has been a subject in five other CCRB cases with 10 allegations, none of which were substantiated.  
§ 87(2)(g)
- PO Ferrufino has been a member of service for four years. He has been a subject in six other CCRB cases with eight allegations, none of which were substantiated.  
§ 87(2)(g)
- PO Sambrato has been a member of service for four years. He has been a subject in 10 other CCRB cases with 17 allegations, none of which were substantiated.  
§ 87(2)(g)
- PO Jamil has been a member of service for four years. He has been a subject in one other CCRB case with one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Burke has been a member of service for nine years. He has been a subject in nine other CCRB cases with 20 allegations, one of which was substantiated.
  - Case 201900379 involved a substantiated discourtesy allegation. The Board recommended command level instructions, which the NYPD implemented.
  - § 87(2)(g)
- PO Sordellini has been a member of service for four years. He has been a subject in three other CCRB cases with five allegations, none of which were substantiated.  
§ 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This case was not eligible for mediation.
- § 87(2)(b) filed a Notice of Claim regarding this incident on May 1, 2019 [BR 35]. On October 23, 2020, a request was submitted to determine if a 50-H hearing occurred;

Page 10

**CCRB Case # 201903597**

confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 46].

- § 87(2)(b) [REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

Squad No.: 3

Investigator: Magdalena Azmitia      Inv. Magdalena Azmitia      January 8, 2021  
Signature      Print Title & Name      Date

Squad Leader: Olga Golub      SL Olga Golub      01/08/2021  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date